IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1319 OF 2006

Upendra Sampat Roy ...Applicant.

v/s

The State of Maharashtra ...Respondent.

Ms. Anjali Patil for the applicant.

Ms. S.V. Gajre, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 27th April, 2006

P.C.

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant was arrested on 25/10/2005 in connection with C.R. No.270 of 2005 registered at Cuffe Parade Police Station for the offence punishable under section 302 of the Indian Penal Code.

3. There was a quarrel between the applicant and his wife and in a fit of rage, it is alleged that the applicant assaulted her with bamboo stick. Thereafter, she was taken to the hospital. However, she succumbed to the injury. The post-mortem notes

indicate that the doctor could not give his opinion regarding the cause of death. The post-mortem notes also indicate that there was a fracture of the ribs and other minor injuries. The charge-sheet has been filed.

4. The learned APP appearing on behalf of the State submits that the children have witnessed the incident and there is one more independent eye witness who has seen the applicant while he was assaulting his wife. However, looking at the nature of injuries and considering the fact that the doctor could not give his opinion regarding the cause of death, in my view, this is a fit case for grant of bail.

5. The applicant, therefore, be released on bail in the sum of Rs 5000/- with one or two sureties in the like amount. The applicant shall report to the Cuffe Parade Police Station once in a month. The applicant shall not tamper with the evidence or threaten any of the witnesses.

6. The trial Court shall not be influenced by any observation made by this Court while deciding this application and the same may not be construed to mean as an expression of opinion on the merits of the case.

The trial court shall decide the case on its own merits and in accordance with law.

7. Application is accordingly disposed of.

V.M. KANADE, J.